

OFFICIAL COPY

Fresno, California

November 1, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Father Jim McDonald gave the invocation, and President Dages led the Pledge of Allegiance. Councilmember Calhoun advised Father McDonald was the father his assistant, Josh McDonald.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER WESTERLUND

The pet of the month available for adoption, a female Akita/lab mix puppy, was presented.

COMMENDATION TO THE FRESNO WEST COALITION FOR ECONOMIC DEVELOPMENT FOR RECEIVING THE 2005 COMPREHENSIVE PLANNING/LARGE JURISDICTION AWARD FROM THE CALIFORNIA CHAPTER OF THE AMERICAN PLANNING ASSOCIATION - COUNCILMEMBER STERLING

Presented.

RECOGNITION OF THE WOODWARD SHAKESPEARE FESTIVAL - MAYOR'S OFFICE

Recognized.

PROCLAMATION OF UNIVERSAL ACCESS TO PRESCHOOL DAY - MAYOR'S OFFICE

Read and presented.

PRESENTATION TO THE PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT AND THE CALIFORNIA AMATEUR SKATE LEAGUE - COUNCILMEMBER BOYAJIAN

Presentation made.

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**APPROVE MINUTES OF OCTOBER 25, 2005:**

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of October 25, 2005, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

(1) PRESENTATION OF PLAQUE TO PRESIDENT DAGES AND THE CITY COUNCIL FROM "PLAY IT SAFE INTERNATIONAL"; (2) COMMENDATION TO TOWER DISTRICT MARKETING COMMITTEE FOR BRINGING BACK AND PUTTING ON THE SUCCESSFUL TOWER DISTRICT HALLOWEEN EVENT; (3) PASSING OF POLICE LT. RON DOWNS AND CONDOLENCES EXTENDED TO CITY COUNCIL OFFICE EMPLOYEE CAROLYN DOWNS AND THE DOWNS FAMILY; AND (4) THE POLICE CHIEF'S FOUNDATION - COUNCILMEMBER BOYAJIAN

(1) Presentation made; (2) commendation made; (3) condolences extended; and (4) upon question City Manager Souza clarified the Police Chief's Foundation was a separate organization and not related to the city of Fresno in any way.

(1) CONDOLENCES EXTENDED TO THE FAMILY OF LT. DOWNS ON HIS PASSING; (2) COMMENDATION TO CHIEF DYER AND STAFF AND THE MAYOR'S OFFICE FOR CRACKING DOWN ON GANG ACTIVITY; AND (3) REQUEST TO STAFF TO ADDRESS BURNED OUT STREET LIGHTS - COUNCILMEMBER WESTERLUND

(1) Condolences extended; (2) commendation made; and (3) relative to the street lights City Manager Souza stated there was no review program in place and lights were replaced upon the city being notified. Councilmember Westerlund stated staff should check main thoroughfares on a fairly regular basis stating he saw 49 lights out on a main thoroughfare and he would submit the location to public works.

(1) CONDOLENCES EXTENDED TO FAMILY OF LT. DOWNS; (2) COMMENDATION TO PRESIDENT DAGES ON THE SUCCESSFUL HOUSING FAIR AT SUNNYSIDE HIGH SCHOOL; AND (3) SIGNING OF MV TRANSPORTATION'S CONTRACT - COUNCILMEMBER STERLING

(1) Condolences extended; (2) commendation made; and (3) upon question City Manager Souza stated MV Transportation signed their contract last Friday and he would report back to Councilmember Sterling on contract details.

COMMENDATION TO HABITAT FOR HUMANITY, THE LIONS CLUB, THE NEW HOMEOWNERS AND ALL INVOLVED IN THE COMPLETION OF HABITAT'S NEWEST HOME IN DISTRICT 3 - COUNCILMEMBER CALHOUN

Commendation made.

REQUEST TO STAFF TO ADDRESS THE ISSUE OF ABANDONED SHOPPING CARTS LEFT IN MEDIAN ISLANDS (PUBLIC AREAS) - COUNCILMEMBER PEREA

Request made. Councilmember Calhoun noted he brought the matter before Council about four years ago and advised the materials he gathered were provided to the Mayor's office who is currently working on bringing the issue back to Council, and suggested Councilmember Perea contact the Mayor's office and encourage them to place the matter higher on their priority list.

(1) NOTIFICATION OF INFORMATIONAL MEETING WITH THE POLICE DEPARTMENT ON GANG VIOLENCE AT THE PEARLY GROVE BAPTIST CHURCH ON NOVEMBER 2, 2005, AT 6:00 P.M.; AND (2) COMMENDATION TO HABITAT FOR HUMANITY ON THEIR FIRST HOUSE FOR A HANDICAPPED FAMILY - COUNCILMEMBER STERLING

(1) Notification made; and (2) commendation made with Councilmember Sterling adding Habitat's first home for the disabled was a very important project.

(1) REQUEST TO STAFF TO SHUT DOWN ILLEGAL LUNCH WAGON OPERATING ON AN ILLEGALLY INSTALLED CONCRETE FOUNDATION ON KINGS CANYON AND SIERRA VISTA AVENUES; (2) REQUEST STAFF LOOK INTO PEOPLE SELLING FLOWERS AND THEIR ILLEGAL RV LIVING CONDITIONS; (3) COMMENDATION TO STAFF ON THE SUCCESSFUL HOUSING FAIR; (4) THANK YOU TO PUBLIC WORKS STAFF MEMBERS DAVE HEALEY AND AMBER ADAMS FOR ADDRESSING THE BUTLER/MINNEWAWA INTERSECTION ISSUE; (5) APPOINTMENT OF COUNCILMEMBER DUNCAN TO SERVE ON THE MAYOR'S COMMITTEE TO SELECT A STATE LOBBYIST; AND (6) RESIGNATION OF CITY ATTORNEY MONTROY AND ESTABLISHING A COUNCIL COMMITTEE TO ADDRESS THE SELECTION ISSUE - PRESIDENT DAGES

(1 & 2) Requests made, (3) commendation made; (4) thank you extended, (5) Councilmember Duncan's appointment confirmed by Council consensus, and (6) President Dages advised he would be scheduling the issue of establishing a three member council committee on

the November 15<sup>th</sup> agenda to deal with the selection of a new city attorney. Councilmember Duncan requested the city manager be allowed

to designate a member to the committee as the city attorney has a huge role with city staff. President Dages concurred and spoke briefly

to

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City Attorney Montoy's work and accomplishments stating she was a cornerstone and foundation **(2 - 0)**, and stated he was very saddened by her resignation and hated to see her go.

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**APPROVE AGENDA:**

Councilmember Westerlund noted the Mayor was conducting a forum today at Birney School relative to the recent school shooting and suggested Council consider coming back after lunch at 2:00 p.m. instead of 3:00 p.m. as he wanted to attend the forum which Councilmember Perea would also be attending.

**REQUEST TO CANCEL THE DECEMBER 6<sup>TH</sup> COUNCIL MEETING - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund advised he was asked to go through a second exercise with the Navy and would be serving as reservist on active duty, stated he would have to miss two council meetings (11/29 and 12/6) and noting there was nothing time-scheduled at this time on December 6<sup>th</sup> asked that the meeting be cancelled, and made a motion to cancel the December 6<sup>th</sup> meeting, which was seconded by Councilmember Duncan. President Dages stated if the meeting were to be cancelled Council would only meet once in December and recommended Council meet December 6<sup>th</sup> but without scheduling any major or controversial district 4 issues. Councilmember Calhoun agreed and stated although he sympathized with Councilmember Westerlund's situation he did not feel it was wise to stop city business for personal reasons and added it would set an unwise precedent. Councilmember Westerlund stated if it was only one meeting he would be missing he would not ask Council to cancel it and reiterated he was asking for the cancellation as nothing was scheduled on the 6<sup>th</sup>. Councilmember Sterling commended Councilmember Westerlund for his service, concurred with President Dages and Councilmember Calhoun and added that meeting may be needed for year-end issues, and stated Council and staff should be considerate of both the meetings Councilmember Westerlund would miss as far as district 4 issues are concerned.

A motion of Councilmember Westerlund, seconded by Councilmember Duncan, to cancel the December 6, 2005, Council meeting failed, by the following vote:

Ayes : Boyajian, Duncan, Westerlund  
Noes : Calhoun, Perea, Sterling, Dages  
Absent : None

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, stated there were a lot of important issues on the consent calendar that warranted discussion and spoke in general to Items **1-A**, **1-C** and **1-D**.

Councilmember Duncan pulled Item **1-J** and Councilmember Calhoun pulled Item **1-D** from the consent calendar for discussion at 3:00 p.m.

**(1-A) RESOLUTION NO. 2005-469 - APPROVING THE FINAL MAP OF TRACT NO. 5215 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, EAST SIDE OF S. ORANGE AVENUE BETWEEN E. CALIFORNIA AVENUE ALIGNMENT AND E. DWIGHT WAY**

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

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2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR PLANTING AND MAINTAINING LANDSCAPING ALONG E. CALIFORNIA AVENUE REAR PROPERTY LINES

**(1-B) RESOLUTION NO. 2005-470** - APPROVING THE FINAL MAP OF TRACT NO. 5235 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHWEST CORNER OF S. MINNEWAWA AND E. CHURCH AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE STORM DRAINAGE FACILITIES

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT RELINQUISHING ACCESS RIGHTS FOR CERTAIN LOTS, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPING AND MAINTAINING AN OFF-SITE OPEN SPACE FACILITY

**(1-C)** AWARD A CONTRACT IN THE AMOUNT OF \$100,613 TO THE MARK-COSTELLO CO. FOR THE BASE BID AND BOTH ADD-ALTERNATE BID ITEMS FOR THE PURCHASE OF AN AUTOCLAVE UNIT FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

**(1-E)** AWARD A CONTRACT IN THE AMOUNT OF \$495,504 TO DYNARAM CONSTRUCTION CO. FOR THE FRESNO CHANDLER EXECUTIVE AIRPORT AIRFIELD SECURITY PROJECT

**(1-F)** APPROVE THE ACQUISITION OF A 903 SQUARE FOOT STREET EASEMENT OWNED BY WILLIAM LINDNER AND MAXINE LINDNER, TRUSTEES, AND NOEL MULL, TRUSTEE, FOR THE APPRAISED VALUE AMOUNT OF \$24,500; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS OR ASSISTANT DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITION OF THE EASEMENT

**(1-G) RESOLUTION NO. 2005-471** - 38<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$58,800 FOR RELOCATION OF STREET LIGHT FACILITIES BETWEEN CHESTNUT AND CLOVIS AVENUES ALONG FREEWAY 180

**(1-H)** APPROVE THE ACQUISITION OF AN 851 SQUARE FOOT EASEMENT AND THE USE OF A 1,803 SQUARE FOOT CONSTRUCTION WORK AREA WITHIN PROPERTY OWNED BY THE DUNN FAMILY AT 5705 N. BLACKSTONE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT FOR STREET PURPOSES, EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS, AND COMPLETE THE TRANSACTION THROUGH ESCROW

**(1-I) RESOLUTION NO. 2005-472** - APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS FROM THE BICYCLE TRANSPORTATION ACCOUNT, FISCAL YEAR 2006/2007, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS

**(1-K)** APPROVE APPOINTMENT OF JEANNINE RAYMOND TO THE HISTORIC PRESERVATION COMMISSION

**(1-L) BILL NO. B-119 - ORDINANCE NO. 2005-124** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO STREET

TREES AND PARKWAYS

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

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Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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**(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY BARBARA HUNT REGARDING THE FRESNO UNIFIED SCHOOL DISTRICT, THE HOPE VI AND YOSEMITE VILLAGE PROJECTS, AND THE HISTORY OF SOUTHWEST FRESNO AND TAX INCREMENTS

Appearance made/no action taken.

APPEARANCE BY DOUG VAGIM REGARDING UPCOMING BIO GREEN WASTE CONTRACT ISSUE AND CONCERN THAT ONLY STAFF'S RECOMMENDATION WILL BE PRESENTED TO COUNCIL

Mr. Vagim expressed his concern with the process and questioned if Council could direct staff, or if staff on their own, could present the two low bids to Council so Council could have a choice. President Dages noted he advised the city attorney he met with Mr. Vagim on this issue after the matter was last brought to Council and under the city's no contact ordinance he might be in violation, and clarified depending on what the city attorney determines after their review he may have to recuse himself when the matter is brought back for a vote. (Councilmember Sterling spoke to the issue following citizen comments.)

APPEARANCE BY KATHY OMACHI, VICE PRESIDENT OF CHINATOWN REVITALIZATION, 759 "F" STREET, REEDLEY, (1) ADVISING OF THE NEW AKIRA OKOMI ELEMENTARY SCHOOL DEDICATION ON THURSDAY AT 2:00 P.M., AND (2) CONCERN WITH LETTERS SENT BY THE REDEVELOPMENT AGENCY TO CHINATOWN PROPERTY OWNERS/BUSINESSES RELATIVE TO POSSIBLE EMINENT DOMAIN ACTION

Appearance made with Ms. Omachi elaborating on the Chinatown issue and concerns and recommended an informational workshop be held for the property owners. (Councilmember Sterling following citizen comments.)

APPEARANCE BY RENATTA CARTER-FORD, 1142 "F" STREET, EXPRESSING CONCERNS WITH THE REDEVELOPMENT AGENCY'S LETTER TO CHINATOWN PROPERTY OWNERS

Appearance made/concerns expressed. (Councilmember Sterling responded after the following speaker.)

APPEARANCE BY ROSALIE BERNUM REGARDING THE CHINATOWN ISSUE AND THE HOUSING RIGHTS OF PEOPLE LIVING IN THE NEIGHBORHOOD

Appearance made.

Councilmember Sterling responded to Mr. Vagim's comments and questioned if Council could direct staff to provide information to Council before the matter is brought back as she did not know all the details relative to the process and the low bidders, stated not knowing put Council in an awkward position, and further questioned if staff could inform Mr. Vagim, as a contractor, what the considerations were. City Manager Souza stated he would check with the city attorney's office to see what information could be released prior to issuing the staff report, he would not recommend informing Mr. Vagim as this was an internal operation, strongly recommended the process be kept focused on what would be coming back to Council and that discussions with individual vendors outside of the specific process not occur, and added simply because a citizen comes and speaks to Council it does not require Council to engage in something that is inappropriate based on the ordinance.

Relative to Ms. Bernum's comments Councilmember Sterling advised a poverty task force was just established and recommended Ms. Bernum contact her district office so her issues and concerns could be addressed.

Relative to the Chinatown and eminent domain concerns, Councilmember Sterling elaborated on the issue at length including the letter that was sent out, her discussions with Agency Director Murphey and developer Tom Richards, property owners' concerns, notification process, and what Agency staff was looking at doing.

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**(1) REQUEST COUNCIL CONSIDER SCHEDULING THE ISSUE OF EIRs AND COMPLIANCE FOR A COUNCIL DISCUSSION; (2) THE BIRD FLU ISSUE AND REQUEST CITY MANAGER CONTACT FRESNO COUNTY TO BRIEF THE CITY ON PROTECTIVE MEASURES BEING TAKEN; AND (3) REQUEST TO STAFF TO SHARE ANY AVAILABLE INFORMATION ON THE UPGRADE OF SELLAND ARENA - COUNCILMEMBER CALHOUN**

Requests made with Mr. Souza responding to the third request.

**RESPONSE TO MR. VAGIM'S COMMENTS, MS. CARTER-FORD'S COMMENTS, AND COUNCILMEMBER CALHOUN'S REQUESTS - COUNCILMEMBER BOYAJIAN**

Relative to the bio green waste issue Councilmember Boyajian questioned the procedure and how a person who used to work for one of the vendors vying for the contract and was fired could be put on a committee stating that "smelled" and explained; relative to Ms. Carter-Ford's comments stated he hoped her concerns would be addressed and added he did not want to see people bull-dozed; and stated his support for scheduling the EIR/compliance issue for discussion elaborating on his experience with CEQA and urging Council to get educated on the subject so intelligent decisions could be made.

City Manager Souza stated Councilmember Boyajian's strong accusations on the former employee who is now a city employee were not based much in fact, stated everything relative to his role in the departmental analysis of the proposals that were received was well described and placed into the record, and added he was confident as the process rolls out that everything would be brought forward directly and to the light of day. Councilmember Boyajian responded and expressed concerns and Mr. Souza again responded.

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**RECESS - 10:16 A.M. - 10:20 A.M.**

**(9:45 A.M.) CONTINUED HEARING ON R-04-108 AND ENVIRONMENTAL FINDINGS, FILED BY R. J. HILL HOMES, PROPERTY LOCATED ON THE WEST SIDE OF S. TEMPERANCE BETWEEN E. HAMILTON AND E. CALIFORNIA AVENUE ALIGNMENT**

**1. CONSIDER AND ADOPT E.A. NO. R-04-108/T-5464/C-04-325, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR  
2. BILL NO. B-122 - ORDINANCE NO. 2005-125 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planning Manager Haro gave a PowerPoint presentation on the issue, recommended approval, and added a condition of the Fancher Creek project EIR was the installation of a new traffic signal at Temperance and Kings Canyon.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Boyajian clarified his opposing comments on this project also applied to the upcoming 10:05 a.m. project, questioned how many developments were currently going on in this area (with Mr. Haro advising 1,600 homes), and elaborated on the need to conduct an EIR and look at cumulative impacts of all developments in the area. Councilmember Westerlund stated in his review he found it was clear the general plan master EIR allowed this streamlining of the CEQA process and the Antioch and Orofino Gold Mining court cases did not apply and explained, with Councilmember Boyajian stating he disagreed and explained.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-108/C-04-325/T-5464 dated July 28, 2005, that the project proposal conforms to the provisions of the general plan MEIR hereby approved, and the above entitled Bill No. B-122 rezoning the subject site adopted as Ordinance No. 2005-125, by the following

vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian  
 Absent : None

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**(10:00 A.M.)** HEARING ON R-05-10 AND ENVIRONMENTAL FINDINGS, FILED BY ED DUNKEL ON BEHALF OF STEPHEN HAHN, PROPERTY LOCATED ON THE EASTERLY SIDE OF THE N. CHESTNUT AVENUE ALIGNMENT BETWEEN E. COPPER AND E. INTERNATIONAL AVENUES

**1. CONSIDER AND ADOPT E.A. NO. R-05-10/T-5471, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-123 - ORDINANCE NO. 2005-126 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AL-20/UGM TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Beedle gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Duncan stated this was a small project and this action would bring the property into conformity, and made a motion to approve staff's recommendation.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-10/T-5471 dated June 28, 2005, that the project proposal conforms to the provisions of the general plan MEIR hereby approved, and the above entitled Bill No. B-123 rezoning the subject property adopted as Ordinance No. 2005-126, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(10:05 A.M.)** CONTINUED HEARING ON R-05-33 AND ENVIRONMENTAL FINDINGS, FILED BY PROVOST AND PRITCHARD, INC., ON BEHALF OF RZR ENTERPRISES, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF E. CHURCH AND S. PEACH AVENUES

**1. CONSIDER AND ADOPT E.A. NO. R-05-33/T-5436/C-05-110, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-124 - ORDINANCE NO. 2005-127 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, stated the Mayor's input was needed on these issues.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

President Dages stated he met with the developer and after discussing the Church/Peach intersection advised the developer committed to installing a traffic signal after he found out he would be reimbursed through the UGM process, advised because the intersection does not meet warrants at this time the signal would not be able to operate and would only blink red and expressed his frustration, and thanked the developer for volunteering to install the signal and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Sterling. Councilmember Boyajian stated things needed to change, stressed if cumulative impacts are looked at the signal would meet warrants and elaborated, and commended the developer but stated he still could not support

the project. Brief comments were made relative to establishing a council committee to change things.

Upon question, Planning & Development Director Yovino stated the signal offered by the developer was in addition to the normal signalization fees and clarified issues relative to traffic studies and signalization and requirements. Councilmember Duncan stated this may not be a bad time to look at alternatives ways of opening up land for development so that pinch points and busy intersections without signalization that have occurred in the northeast do not occur in the southeast and southwest areas and explained, and again offered to serve on a committee.

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Councilmember Calhoun stated rules were being changed in this case, **(4 - 0)** expressed concern stating it sounded like a developer was told to install a traffic signal and he was going to do it to get his project approved, stated he was seeing a potential precedence here, and stressed all districts have traffic signal concerns and advised he tells his constituents signals will come in time but added with this they will now say that is not the case in the southeast. Mr. Yovino and City Manager Souza responded and clarified the rules did not change, the developer volunteered to install the signal, and staff had not changed their position. Councilmember Calhoun stated he did not see this as an isolated situation and he was hearing other things that looked like Council was moving to something very different, stated he was very concerned due to all his district's development and added there was nothing to prevent him from asking a developer to install a signal, and upon his request City Attorney Montoy spoke to the matter and further clarified issues relative to signals, requirements, and warrants.

President Dages stated he wanted it made very clear and upon his request Jeff O'Neill, Provost and Pritchard, representing the developer, stated he attended the meeting and clarified the developer offered to install the signal after asking if it would improve the quality of the neighborhood and if it was reimbursable, and added nothing was demanded, there was no prodding, and the developer was into providing quality projects and putting in infrastructure in a timely fashion.

Councilmember Boyajian elaborated further on the issue of conducting EIRs to determine impacts and on the need for Council to have information so they can talk with developers. Relative to signal installation Mr. Yovino clarified staff makes their recommendation pursuant to what they feel Council wants, stated Council can make a policy change on the timing of infrastructure, and added staff should not have to defend their position as it was what they felt was acceptable policy. Councilmember Westerlund concurred there may be ways to change the city's operating procedure noting there were different municipalities and models on how development gets done, stated he would also be willing to work on ways to improve the way business is conducted, and stated it was his understanding signal installation and operation were two separate issues. President Dages concurred staff was following policy and stated it was up to Council to change it.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-33/T-5436/C-05-110 dated August 18, 2005, that the project proposal conforms to the provisions of the general plan MEIR hereby approved, and the above entitled Bill No. B-124 rezoning the subject property adopted as Ordinance No. 2005-127, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

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**(10:15 A.M.)** HEARING ON R-04-56 AND ENVIRONMENTAL FINDINGS, FILED BY TARR ARCHITECTS, ON BEHALF OF WOODWARD PARK BAPTIST CHURCH, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF E. TEAGUE AND N. MAPLE AVENUES

**1.** CONSIDER AND ADOPT E.A. NO. R-04-56/C-04145/MD-04-26, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR  
**2. BILL NO. B-125 - ORDINANCE NO. 2005-128 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Marple gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Dages closed the public hearing.



Councilmember Duncan spoke briefly to Woodward Park Baptist Church's success and stated he was honored to motion approval.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-56/C-04-145/MD-04-26, dated August 18, 2005, that the project proposal conforms to the provisions of the general plan MEIR hereby approved, and the above entitled Bill No. B-125 rezoning the subject property adopted as Ordinance No. 2005-128, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**11/1/05**

**(10:30 A.M.)** CONTINUED DELIBERATIONS ON R-04-104 AND ENVIRONMENTAL FINDINGS, FILED BY CLIFFORD TUTELIAN ON BEHALF OF PARK PLACE HOLDINGS, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. PALM AND W. NEES AVENUES

**1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-104/C-04-318**

**2. BILL NO. B-126 - ORDINANCE NO. 2005-129 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO C-P/UGM**

City Attorney Montoy clarified Council already conducted and closed the public hearing and it was her understanding the developer had withdrawn his objection to a condition. Planner Rodriguez gave a brief overview and reviewed the two new conditions that were added. Ms. Montoy clarified since new conditions were added public input was allowed and the public hearing was reopened.

Barbara Hunt, 2475 S. Walnut, spoke to the issue; and applicant representative Steve Samuelian commended Councilmember Calhoun and staff, stated he agreed with the conditions, and spoke briefly to their work with the Conservancy and the Parkway Trust and requested support.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Calhoun commended San Joaquin River Conservancy Executive Director Marks and all involved, noted river bottom access was the primary issue and there was never a question with the project itself, and spoke further to the project and the conditions and made a motion to approve staff's recommendation.

Planning & Development Director Yovino, Ms. Montoy, Mr. Rodriguez and Applicant Clifford Tutelian responded to questions and/or comments of Councilmembers Boyajian and Westerlund relative to what would be coming back to Council, when the developer would be contributing towards traffic signals, disagreement that the area is built out yet, what the plans were for the vacant parcels, if the study looked at all issues, concern with a four-story building, if the property was formally an old landfill, if studies were conducted on post-closure, if staff found any issues of concern, what the post-closure plan was, and what the applicant's level of confidence was with the construction and soil compaction.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for E.A. No. R-04-104/C-04-318 dated June 21, 2005, hereby approved; and the above entitled Bill No. B-126 rezoning the subject property adopted as Ordinance No. 2005-129, subject to the two conditions outlined in the Addendum to the staff report dated September 20, 2005, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(11:00 A.M.)** APPROVE THE LEASE AND FINANCING AGREEMENTS BETWEEN THE CITY AND THE FRESNO CHAFFEE ZOO CORPORATION (FCZC)

Management Analyst Zieba gave a brief history of the issue **(5 - 0)**, advised the Zoo Corporation would take over the Zoo in January if the agreements are approved, gave an overview of the lease and financing agreements, and advised two exhibits relative to animal inventory and personal property inventory needed some minor tweaking and requested staff be given authorization to tweak the

exhibits.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who stated the zoo entrance fee needed to be lowered so everyone would be able to visit; and Mike Woods, President of the Fresno Zoo Society, who spoke in support of the issue.

Councilmember Sterling spoke briefly to the issue, thanked the Blue Ribbon Commission and everyone involved, stated she was sensitive to the entrance fee and advised that would be looked at, and made a motion to approve the lease and financing agreements.

Councilmember Duncan stated he was pleased to see this come forward but he had a concern with the provision calling for the City to provide funding to the Zoo in an amount equivalent to \$1.2 million if Measure Z is not renewed or a new revenue measure is not enacted and elaborated, and questioned if that provision could be deleted, with City Attorney Montoy clarifying the provision was legally permissible and Ms. Zieba, City Manager Souza and FCZC Chair Jay Weed speaking further to the provision and to what the impacts would be if it were to be deleted.

146-145

11/1/05

Lengthy discussion ensued. Councilmember Calhoun elaborated on the Storyland insurance issue and upon his questions Mr. Souza and Ms. Montoy clarified at this time there was no association between Storyland and the FCZC, Measure Z pertained solely to the Zoo, discussions could occur in the future on some relationship, and the Mayor made it clear during the last funding that the insurance payment was temporary funding and Storyland needed to become self-sufficient in that area. Councilmember Boyajian thanked former Zoo Director Ralph Waterhouse and everyone else involved including the transition committee, and presented questions relative to what the plans were for the Zoo to become self-sufficient, if the FCZC had any concerns with a 30 year lease and 10 year bond, and further questions on the business plan and revenue stream plans, with Mr. Weed responding. Councilmember Westerlund thanked all involved, also expressed concern with the \$1.2 million funding provision, and presented questions/comments relative to why the \$1.2 million would not be an issue in 10 years, this being a sophisticated lease and hope there will be no traps for both the FCZC and the City, if it was legal for the city manager to extend each 10 year option, if the term "Manager" on Page 10 of the lease agreement meant the city manager, and the certificates of insurance, with Ms. Montoy and Ms. Zieba responding and clarifying issues throughout. Relative to the \$1.2 million appropriation Councilmember Duncan noted Page 4 of the financing agreement did not mention anything about performance, with Ms. Montoy responding and further clarifying issues. Councilmember Duncan pointed out if the Zoo succeeds, becomes self-sufficient, and the tax does not need to be renewed in 10 years the City would still have to kick in \$1.2 million, reiterated he could not support the agreement with that funding provision stating it was dangerous and inappropriate to be in the lease, and added he had every hope and expectation that the Zoo would be a smashing success. Councilmember Calhoun seconded the motion on the floor. Mr. Souza further clarified issues relative to the \$1.2 million and the \$3.3 million annual tax revenue.

Councilmember Westerlund stated although he wanted to he could not support the lease as it was currently set, and made a motion to table the matter to November 15<sup>th</sup> to sort out issues, which motion died for lack of a second.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Lease and Financing Agreements between the City and Fresno's Chaffee Zoo Corporation (FCZC) hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Perea, Sterling, Dages
Noes :	Duncan, Westerlund
Absent :	None

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#### **LUNCH RECESS - 12:31 P.M. - 3:01 P.M.**

#### **(3:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

#### **(1-D) AWARD A CONTRACT TO DIAZ CONSTRUCTION FOR THE FRESNO CHANDLER EXECUTIVE AIRPORT TERMINAL REHABILITATION PROJECT**

Councilmember Calhoun expressed concern that only one bid was received and it was way over the Engineer's estimate and presented questions/comments/concerns relative to why staff wanted to accept the bid, why this project was so pressing (**6 - 0**), if blame should be placed on the engineers, what was preventing a rebid, cost of materials being the issue and not the project, this being a profit motive, staff not making the case to award the contract, his feeling that the project should be rebid, and the City needing to send a message to bidders, with Aviation Director Widmar and City Manager Souza responding throughout. Upon confirmation by staff Councilmember

Duncan clarified the company did not know they were the only bidder so they could not have "jacked up" their price and made a motion to approve.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, a contract in the amount of \$388,518 hereby awarded to Diaz Construction for the Fresno Chandler Executive Airport Terminal Rehabilitation project, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Calhoun  
 Absent : None

**(1-J) RESOLUTION NO. 2005-473 - 21<sup>ST</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$1,196,300 OF THE URBAN AREA SECURITY INITIATIVE (UASI) GRANT FOR INCREASED HOMELAND SECURITY THROUGHOUT FRESNO COUNTY**

**146-146**

**11/1/05**

**1. RESOLUTION NO. 2005-474 - 13<sup>TH</sup> AMENDMENT TO PAR 2005-287 ADDING ONE POLICE OFFICER POSITION TO THE DEPARTMENT TO ACCOMPLISH THE GOALS AND OBJECTIVES OF THE GRANT PROJECT**

Councilmember Duncan advised the police department answered his questions and made a motion to approve.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-473 and 2005-474 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(3:00 P.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

**("A") EXISTING LITIGATION - CASE NAMES:**

1. JORGE C. AGUINIGA V. COF, ET AL.
2. COF V. NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

**("B") DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. BAKER COMMODITIES, INC., DEWAYNE ZINKIN, BAJA FRESH, PHIL ANDREWS AND DOES 1 TO 25**

**("C") ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:**

1. THOMAS V. BURLINGTON NORTHERN, ET AL.
2. ROLANDO GASCA CELDON V. COF

The City Council convened in closed session in Room 2125 at the hour of 3:15 p.m. to consider the above matters and reconvened in regular open session at 4:01 p.m.

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**(3-A) REQUEST STAFF TO IDENTIFY COST SAVINGS IN THE EDUCATION SPENDING APPROPRIATIONS TO PROVIDE UP TO \$75,000 TO HIRE AN OUTSIDE INDEPENDENT AGENCY TO CONDUCT AN EVALUATION AND ASSESSMENT OF THE CITY'S MULTIPLE EDUCATION PROGRAMS AND INITIATIVES - COUNCILMEMBER CALHOUN**

Councilmember Calhoun gave an overview of the issue, all as contained in his report as submitted, stressed \$4 million dollars was going to the education programs, stated an outside evaluation was owed to the taxpayers, added he requested information from staff and never received a response, and requested Council's support and made a motion to direct staff as outlined above, which motion was seconded by Councilmember Sterling.

City Manager Souza although this matter was previously discussed it was not included with the budget and clarified staff was not supportive of the issue and was opposed to taking dollars from the programs.

Councilmember Boyajian spoke in support and stated it would be a good time to see how the programs are doing and if they are successful. Councilmember Duncan stated an appropriate time to deal with this would be during budget; stated not all council members have seen the programs in action and added to hit them mid-year would be shortsighted and would hurt the programs; and recommended this be discussed during the next budget along with evaluation information from the city manager. Councilmember Perea concurred with Councilmember Duncan and advised he also visited several programs in his district and stated they were doing some great things for the kids, and added he would like to see an evaluation but not at the expense of the programs.

Councilmember Calhoun clarified an evaluation by internal staff who continually has an interest in these programs would be inadequate and very suspect; relative to the cost for the study stressed \$50,000 to \$75,000 in unallocated funds could be easily be found within the \$4 million; and expressed his disappointment that human resources staff did not respond to his request to provide information therefor the the \$50-\$75,000 figure was his educated guess. Mr. Souza apologized for the lack of information and requested Councilmember Calhoun forward his email requests to him, and clarified staff could provide a legitimate analysis that was fact-based and explained.

**146-147**

**11/1/05**

A motion of Councilmember Calhoun, seconded by Councilmember Sterling, to request staff to identify cost savings in the Education spending appropriations to provide up to \$75,000 to hire an outside independent agency to conduct an evaluation and assessment of the City's multiple education programs and initiatives failed, by the following vote:

Ayes : Boyajian, Calhoun, Sterling  
 Noes : Duncan, Perea, Westerlund, Dages  
 Absent : None

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**(3-B) REQUEST FOR UPDATE FORM THE CITY MANAGER ON THE STATUS OF IMPLEMENTING A MARKETING PLAN FOR ROEDING BUSINESS PARK. UPDATE SHOULD INCLUDE AN ESTIMATE FROM PUBLIC WORKS ON ADDITIONAL INFRASTRUCTURE INVESTMENT REQUIRED BY THE CITY AT THE SITE - COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated the success of the Roeding Business Park required a City/Agency team effort and upon his request Assistant City Manger Ruiz advised what city staff was doing and responded to questions/comments/concerns of Councilmember Calhoun relative to his hope that there will not be two talented trains running up a track, how a consultant tied into the master developer, what the role of the Agency director was if a consultant was being brought in, if the consultant will focus on other redevelopment areas, and if the economic development task force served any purpose or if City and Agency staff were going to go off on their own. There was no further discussion.

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**(3-C) BILL - INTERIM (EMERGENCY) ORDINANCE FOR INTRODUCTION AND ADOPTION PROHIBITING THE RETAIL SALE AND SLAUGHTER OF POULTRY AND RABBITS IN THE C-5 AND C-6 ZONE DISTRICTS - COUNCILMEMBER PEREA**

Planning & Development Director Yovino gave an overview of the issue, all as contained in the staff report as submitted, advised staff has struggled with a current application for a slaughterhouse in District 7, and clarified if this ordinance is adopted that application would be held pending a more formal amendment early next year.

Bobby Vang, Owner/Manager/Partner of Asian Village Shopping Center, expressed disappointment on how this matter has been handled; stated by right the applicant's property was zoned for this operation, appropriate measures have been taken to move the project forward, and noted other California cities have made poultry businesses work along much busier streets than First Street and abutting more affluent neighborhoods; and stated this was not business-friendly and the city was trying to deny the applicant and himself/Asian Village the chance of establishing this business without any concrete evidence and information and further elaborated.

City Attorney Montoy noted this was an emergency ordinance and would require six (6) affirmative votes for adoption, and upon question of Councilmember Perea clarified the ordinance would prohibit slaughterhouses in the C-5 and C-6 zone districts only and not the entire city. Councilmember Perea made a motion to adopt the ordinance bill, which motion was seconded by Councilmember Duncan.

Extensive discussion ensued. Mr. Vang and Mr. Yovino responded to questions/comments of Councilmembers Boyajian and Sterling at length relative to whether Mr. Vang was the agent for the current applicant, what his concerns were, how the operation worked, if the State allowed this use, if staff visited the site and what staff's concerns were **(7 - 0)**, if there had been neighborhood complaints, if problems have been encountered in other areas, if this would be an internal operation, if imposing conditions had been considered, how close the operation would be to residential, if this would be an interim ordinance only, neighborhood notification process, and if staff had communicated with the applicant on where this operation would be allowed should this ordinance pass. Councilmember Perea stated a rumor was going around the neighborhood on what was going to go on the site and all that was being asked for was some time to look at the issue and clarified it would not be permanent. Councilmember Duncan stated this was not an issue of being culturally insensitive, questioned if other animals would be included if this ordinance does not pass, and stated animals were noisy and the ordinance made sense and would allow time to work issues out. Mr. Vang, Councilmember Perea and City Attorney Montoy responded to questions of Councilmembers Boyajian and Westerlund relative to how much money the applicant has invested in the business so far, what will happen to the fees paid if the ordinance is approved, if the applicant owned the property, if Councilmember Perea wanted to stop the project, what exactly this ordinance would do, if adoption would give time to staff to evaluate matters and bring back a report and recommendation, number of chickens that would be killed per day, if freshly killed poultry was the appeal, if there were currently any other poultry businesses, and if this was the first time one was being proposed for the city.

**146-148**

**11/1/05**

President Dages stated this was a cultural and sensitivity issue; stated no one wants this in their backyard yet they go to Kentucky Fried Chicken; clarified the applicant started the process because this was allowed; expressed concern that the City took his \$8,000 fee and was now saying "no"; stated adopting this ordinance would send the wrong message and stressed it was wrong to do this to someone who already submitted an application; and clarified the business would have to meet all codes/requirements and he felt the City was jumping the gun here. Mr. Yovino responded to additional questions of Councilmember Sterling relative to whether staff informed the applicant his business would be allowed in the M -1 district and if staff could work with the applicant and show him a map/areas where the business would work. Councilmember Duncan stated neighbors waking up and finding a slaughterhouse next door was not good and urged Council to allow the time to work things out.

A motion of Councilmember Perea, seconded by Councilmember Duncan, to introduce and adopt the interim ordinance failed, due to the need for six (6) affirmative votes for an emergency ordinance, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund
Noes :	Boyajian, Dages
Absent :	None

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**(4:00 P.M.) TRIMESTER PLAN AMENDMENT HEARINGS - 2005 CYCLE II**

President Dages announced the time had arrived to consider the issue and opened the hearing.

Planning & Development Director Yovino advised Items "H" and "I" were being referred back to staff as their issues were more technical and the applicants were in agreement; advised there were neighborhood disagreements associated with Item "J" and staff would be presenting that item first; gave an overview of the eight remaining plan amendment applications; and responded to comments of Councilmember Calhoun relative to him seeing an increase in lower densities and the city moving in the wrong direction. Councilmember Duncan added common sense tells that movement is towards smaller lots and cautioned Council not to over-react.

**("H") CONSIDERATION OF PLAN AMENDMENT NO. A-05-06, R-05-35, CUP NO. C-05-114 AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES LLC ON BEHALF OF KERNBAC LP, PROPERTY LOCATED ON THE SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. PEACH AND S. MINNEWAWA AVENUES. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE FRESNO COUNTY FIRE PROTECTION DISTRICT FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY**

- 1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-06/R-05-35/C-05-114**
  - 2. RESOLUTION - AMENDING THE FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN**
  - 3. RESOLUTION - APPROVING CUP NO. C-05-114**
  - 4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM AE-20 TO S-L/UGM**
- (Request matter be referred back to staff for rescheduling and re-noticing)**

Referred back to staff as requested.

("I") CONSIDERATION OF PLAN AMENDMENT NO. A-05-37, R-04-112, CUP NO. C-04-341 AND ENVIRONMENTAL FINDINGS, FILED BY DERREL'S MINI STORAGE, PROPERTY LOCATED ON THE WEST SIDE OF S. CLOVIS AVENUE BETWEEN E. JENSEN AND E. CHURCH AVENUES. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-04-37/R-04-112/C-04-341
2. RESOLUTION - AMENDING THE FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN
3. RESOLUTION - APPROVING CUP NO. C-04-341
4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM AE-20 TO S-L/UGM

**(Request matter be referred back to staff for rescheduling and re-noticing)**

Referred back to staff as requested.

**146-149**

**11/1/05**

("J") CONSIDERATION OF PLAN AMENDMENT NO. A-05-08, R-05-37 AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES LLC, PROPERTY LOCATED ON THE NORTHEASTERLY CORNER OF N. BLACKSTONE AND E. CLINTON AVENUES

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-08/R-05-37
2. **(REVISED) RESOLUTION NO. 2005-475** - AMENDING THE FRESNO GENERAL PLAN AND McLANE COMMUNITY PLAN, **AS AMENDED, ADDING AN ALTERNATIVE MITIGATION MEASURE**
3. **BILL NO. B-127 - ORDINANCE NO. 2005-130** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P, P AND R-1 TO C-1

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Beedle reviewed the issue, all as contained in the staff report as submitted, noted a revised resolution was submitted and explained, and recommended approval.

Speaking to the issue were: Bill Robinson, Sol Associates, who elaborated further on the project **(8 - 0)**, displaying a revised site plan to illustrate, noted stated their three main requests were to locate the drive-thru on the back side of the store, eliminate the right-turn pocket on the southwest corner, and allow entrance off Terrace Avenue for the convenience of local residents, and stated this was a viable project for the area and requested approval; and Carol Green, Terrace Avenue resident, who spoke in opposition and submitted written material and a petition containing signatures of residents and/or property owners opposed to the rezoning, on file in the office of the city clerk.

Upon call, no one else wished to be heard and President Dages closed the hearing.

At the request of Councilmember Perea, Mr. Robinson responded to the wall and landscaping issues raised by Ms. Green, and along with an unidentified staff member and Planning & Development Director Yovino responded to questions of Councilmember Perea relative to whether limited hours of operation were currently in place, how critical entrance from Terrace was for the project, what the impact would be if it was closed, and if this project could be approved with the Terrace access issue being left open for further discussion. Councilmember Perea made a motion to approve the project, eliminate Mitigation Measure 1, allow the drive-thru on the back side of the store with limited hours of operations, and leave the Terrace Avenue access issue open. Upon staff advising the CEQA document would have to be sent back for review if the mitigation measure was deleted Councilmember Perea revised his motion to approve the project, allow the drive-thru on the back, leave the Terrace access issue open, and include staff's recommendation concerning the limitation on trucks. Upon question of Planning Manager Unruh, Councilmember Perea included the other recommendation to eliminate the requirement for the right turn lane mitigation measure. Brief discussion ensued and staff recommended the mitigations be left in place and advised staff would have a new CEQA document when the CUP is done. Councilmember Perea stated he was concerned about the mitigation measures, he did not want this appealed to Council, he felt the right-turn pocket was a bit too much, and he was supportive of the drive-thru being located in the back as currently proposed. Traffic Engineering Manager Mozier spoke to the traffic study and findings and advised an alternate mitigation measure would be for the applicant to design the site such that in the future the street could be widened for the right turn pocket.

Councilmember Boyajian presented questions /comments relative to what the traffic impact study showed, if the applicant owned

the property, the property being blighted at this time, the area already being built out, support for the project, Walgreens being a great amenity for the area and a tremendous neighbor, and support for the elimination of the right turn pocket, with Mr. Robinson responding to questions. Mr. Mozier clarified issues relative to studying cumulative impacts, the COG model, the traffic study, and need for the right turn lane.

Mr. Yovino clarified issues and responded to questions of Councilmember Duncan relative to the project being recirculated and time line for the recirculation, and options for Council's consideration. Upon question of Councilmember Duncan, Mr. Robinson stated the alternative mitigation measure to provide a design to allow for a right-turn lane in the future was acceptable and City Attorney Montoy stated it was a permissible alternative. Councilmember Perea made a motion to approve staff's recommendation with the alternative mitigation measure, which motion was seconded by Councilmember Duncan.

Councilmember Calhoun questioned what would happen if things changed in the future or if Walgreens pulled out, and stressed the right turn lane should be put in if it was needed and called for and added COG rules should be followed. Mr. Robinson responded to questions/comments of Councilmember Westerlund relative to the design for the future, traffic issues, what the modified mitigation measure would look like, and Walgreen's desire for nine parking stalls at the entrance. Councilmember Calhoun stated he would not support the motion, this was short-term thinking, the COG model showed where Blackstone was going, he did not want to see traffic jams, and this was sending a message that the city will give developments on Blackstone a buy. Councilmember Boyajian stated he saw only blight and did not see a lot of traffic.

Arnold Gazarian, applicant, stated he was very proud of this project, blight would be removed, the area would be improved, Walgreen's was very interested and wanted to be there, and clarified issues relative to parking and the right turn lane was not necessary now and might be in 20 or 25 years.

**146-150**

**11/1/05**

Upon question of President Dages, Mr. Unruh stated the Terrace access issue was included in the revised resolution (allowing vehicle access but no truck access), and relative to the drive-thru **(9 - 0)** Mr. Robinson stated they would mitigate the measures in the CUP if staff gives them that opportunity.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for E.A. No. A-05-08/R-05-37, dated September 1, 2005, and in accordance with Planning Commission Resolution Nos. 12333 and 12334, hereby approved; the above entitled *Revised* Resolution No. 2005-475 hereby adopted, *along with the alternative mitigation measure for the right-turn lane*; and the above entitled Bill No. B-127 rezoning the subject property adopted as Ordinance No. 2005-130, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

Councilmember Perea left at 6:14 p.m. to attend a meeting in his district and was absent for the remainder of the meeting.

#### **RECESS - 6:14 P.M. - 6:19 P.M.**

("A") CONSIDERATION OF PLAN AMENDMENT NO. A-04-23, R-03-76 AND ENVIRONMENTAL FINDINGS, FILED BY MORNING DEVELOPMENT II, LLC, PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. JENSEN AND S. PEACH AVENUES

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-04-23/R-03-76/T-5279/C-05-105**

**2. RESOLUTION NO. 2005-476 - AMENDING THE FRESNO GENERAL PLAN AND ROOSEVELT COMMUNITY. THE PLAN AMENDMENT APPLICATION ALSO INCLUDES THE DELETION OF THE EQUESTRIAN TRAIL COMPONENT OF THE MULTI-PURPOSE TRAIL DESIGNATED BY THE GENERAL PLAN FOR THE SEGMENT OF E. JENSEN BETWEEN S. PEACH AND S. WILLOW AVENUES**

**3. BILL NO. B-128 - ORDINANCE NO. 2005-131 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/EA/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Attorney Diane (last name inaudible), representing the applicant, spoke briefly to the project, and stated she agreed with staff's recommendation, requested approval, and thanked staff.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

President Dages advised he met with the developer and stated this was a good project and vastly needed for southeast and made a motion to approve.

Councilmember Boyajian presented questions relative to the adjacent project and number of homes planned, number of new projects on line for the area, and the price range for the homes, and stated this was another project being done piecemeal and he was opposed, with Mr. Rodriguez and the applicant representative responding to questions. Planning & Development Director Yovino responded to comments and questions of Councilmember Westerlund relative to the general plan designating commercial/office for the Peach/Jensen intersection, concern with not being consistent with the general plan, where else commercial/office would be located, the upcoming mixed-use ordinance, the grid system, and the goal of higher densities and perception of a problem.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for E.A. No. A-04-23/R-03-76/T-5279/C-05-105 dated September 8, 2005, hereby approved; the above entitled Resolution No. 2005-476 hereby adopted; and the above entitled Bill No. B-128 rezoning the subject property adopted as Ordinance No. 2005-131, by the following vote:

Ayes	:	Calhoun, Duncan, Sterling, Dages
Noes	:	Boyajian, Westerlund
Absent	:	Perea

**146-151**

**11/1/05**

("B") CONSIDERATION OF PLAN AMENDMENT NO. A-04-27, R-04-86 AND ENVIRONMENTAL FINDINGS, FILED BY LAND DYNAMIC, PROPERTY LOCATED ON THE NORTH SIDE OF W. BARSTOW BETWEEN HIGHWAY 99 AND THE N. BRYAN AVENUE ALIGNMENT

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-04-27/R-04-86**

**2. RESOLUTION NO. 2005- 477- AMENDING THE FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN**

**3. BILL NO. B-129 - ORDINANCE NO. 2005-132 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM AND R-1/UGM TO M-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Brock reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Applicant representative Steven Keil, DeYoung Properties, spoke briefly to the issue and requested approval.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Calhoun stated this had been a difficult piece of property to work with, thanked the applicant and staff, stated he hoped this would be seen as a positive addition and explained, and presented questions relative to Veterans Boulevard including financial contributions and access, and the Caltrans fee, with Ms. Brock and Traffic Engineering Manager Mozier (**10 - 0**) responding and clarifying matters throughout. A motion was made to approve staff's recommendation.

Ms. Brock, Mr. Keil and City Attorney Montoy responded to questions of Councilmember Boyajian relative to what was planned/projected for adjacent areas and if the developer was going to pay the Caltrans fee. Councilmember Boyajian stated he was opposed as a plan and EIR was needed for the entire area and elaborated.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for E.A. No. A-04-27/R-04-086, dated September 8, 2005, hereby approved; the above entitled Resolution No. 2005-477 hereby adopted; and the above entitled Bill No. B-129 rezoning the subject property adopted as Ordinance No. 2005-132, subject to a condition of zoning recommended by the Planning Commission, by the following vote:

Ayes	:	Calhoun, Duncan, Sterling Westerlund, Dages
Noes	:	Boyajian
Absent	:	Perea



("C") CONSIDERATION OF PLAN AMENDMENT NO. A-05-07, R-05-36 AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES LLC, ON BEHALF OF WINSTON CAPITAL GROUP LLC AND THE HAZEL M. TERZIAN LIVING TRUST, PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. JENSEN AND S. CLOVIS AVENUE. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE FRESNO COUNTY FIRE PROTECTION DISTRICT FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-07/R-05-36
2. **RESOLUTION NO. 2005-478** - AMENDING THE FRESNO GENERAL PLAN AND ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-130 - ORDINANCE NO. 2005-133** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM AE-20 TO C-2/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Brock gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Bill Robinson, Sol Development Associates, spoke further to the project and requested approval.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

President Dages noted he met with Mr. Robinson, stated this was a good project, and made a motion to approve.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of a Mitigated Negative Declaration for E.A. No. A-05-07/R-05-036, dated September 8, 2005, hereby approved; the above entitled Resolution No. 2005-478 hereby adopted; and the above entitled Bill No. B-130 rezoning the subject property adopted as Ordinance No. 2005-133, subject to conditions of zoning, by the following vote:

**146-152**

**11/1/05**

Ayes :	Calhoun, Duncan, Sterling Westerlund, Dages
noes :	Boyajian
Absent :	Perea

("D") CONSIDERATION OF PLAN AMENDMENT NO. A-05-01, R-05-15 AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES, PROPERTY LOCATED ON THE NORTHEAST CORNER OF S. CLOVIS AND E. CHURCH AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-01/R-05-15
2. **RESOLUTION NO. 2005-479** - AMENDING THE FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-131 - ORDINANCE NO. 2005-134** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM C-2/UGM TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Dirk Poeschel, representing the applicant, spoke to the history of the issue and further to the project.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

President Dages advised he met with the neighbors and they were happy with the residential and made a motion to approve. Councilmember Westerlund expressed his support and noted the commercial center at Jensen and Clovis would address the needs of the area.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of a Mitigated Negative Declaration for E.A. No. A-05-01/R-05-15, dated September 8, 2005, hereby approved; the above entitled Resolution No. 2005-479 hereby adopted; and the above entitled Bill No. B-131 rezoning the subject property adopted as Ordinance No. 2005-134, by the following vote:

Ayes :	Calhoun, Duncan, Sterling Westerlund, Dages
noes :	Boyajian
Absent :	Perea

("E") CONSIDERATION OF PLAN AMENDMENT NO. A-05-03, R-05-32 AND ENVIRONMENTAL FINDINGS, FILED BY FRESNO SUPREME, PROPERTY LOCATED ON THE WESTERLY SIDE OF N. PARKWAY DRIVE, SOUTH OF W. HERNDON AVENUE ALIGNMENT. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-03/R-05-32

2. **RESOLUTION NO. 2005-482** - AMENDING THE FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN (Ruled approved by the city attorney on November 3, 2005, after reviewing the 3-2-1-1 vote)

3. **BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM R-R TO C-6/UGM (FAILED, due to need for four (4) affirmative votes)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

John Allen, co-applicant, stated he agreed with staff's recommendation and requested support.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Planning Manager Haro and Traffic Engineering Manager Mozier responded to questions/concerns of Councilmember Calhoun relative to why this property did not have the same freeway noise issues/problems as earlier Item "B", how the noise would be mitigated, the traffic study, traffic impacts, and impact fee **(11 - 0)**. Councilmember Boyajian stated this was the worst piecemeal development and explained, and spoke to traffic congestion and safety concerns. Mr. Haro responded to questions of Councilmember Westerlund relative to what uses were considered heavy commercial, what uses generate higher vehicle traffic, and noise mitigation.

146-153

11/1/05

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-05-32/R-05-32 dated September 6, 2005, considered; the above entitled Resolution No. 2005-482 adopted *(as determined on November 3, 2005, by the city attorney after reviewing the vote)*; and the above entitled Bill rezoning the subject property failed, due to the need for four (4) affirmative votes, by the following vote:

Ayes :	Duncan, Westerlund, Dages
Noes :	Boyajian, Sterling
Absent :	Perea
Abstain :	Calhoun

**\*NOTE** - At the end of the meeting City Attorney Montoy again clarified the ordinance bill required four (4) affirmative votes for adoption, and advised she would have to conduct some research on whether three votes were enough to adopt the resolution and would get back to the applicant and staff as soon as possible. On November 3, 2005, she ruled the Resolution adopted by memo to Council, a copy of which is on file in the office of the city clerk.

("F") CONSIDERATION OF PLAN AMENDMENT NO. A-05-04, R-05-34 AND ENVIRONMENTAL FINDINGS FILED BY CENTRAL VALLEY RV, PROPERTY LOCATED ON THE SOUTH SIDE OF W. PRINCETON EAST OF N. MARKS AVENUE

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-04/R-05-34

2. **RESOLUTION NO. 2005-480** - AMENDING THE FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN

3. **BILL NO. B-132 - ORDINANCE NO. 2005-135** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM C-6 TO C-M

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Dirk Poeschel, representing the applicant, spoke further to the project and requested support.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Boyajian stated there were no problems associated with this project and made a motion to approve.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-05-04/R-05-34 dated September 6, 2005, hereby approved; the above entitled Resolution No. 2005-480 hereby adopted; and the above entitled Bill No. B-132 rezoning the subject property adopted as Ordinance No. 2005-135, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Perea

("G") CONSIDERATION OF PLAN AMENDMENT NO. A-05-05, R-05-12 AND ENVIRONMENTAL FINDINGS, FILED BY VALLEY LAND DEVELOPMENT INC., PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. JENSEN AND S. PEACH AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-05/R-05-12/T-5482

2. **RESOLUTION NO. 2005-481** - AMENDING THE FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN

3. **BILL NO. B-133 - ORDINANCE NO. 2005-136** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM AE-5/UGM TO R-1/EA/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Tacket gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Ron Galvan, representing the applicant, advised he was available to answer any questions.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

**146-154**

**11/1/05**

President Dages advised he met with the developer and issues were worked out and made a motion to approve. Councilmember Westerlund stated he was sure this was going to be a great project but he was going to stay consistent with the project on the other side of the street and oppose it.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for E.A. No. A-05-05/R-05-12/T-5482, dated September 8, 2005, hereby approved; the above entitled Resolution No. 2005-481 hereby adopted; and the above entitled Bill No. B-133 rezoning the subject property adopted as Ordinance No. 2005-136, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Dages  
 Noes : Boyajian, Westerlund  
 Absent : Perea

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\* At this point City Attorney Montoy clarified issues relative to Item "E" (which are noted at the conclusion of that item).

Noting the length of the meeting and late hour Councilmember Calhoun questioned why the trimester plan amendments started at 4:00 p.m., stated it was not necessary to do that and added no one addressed the matters besides the professionals who would be available anyway, and encouraged staff to consider scheduling these matters at 2:00 p.m. unless there is some extremely overriding need to start later.

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## ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:40 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

**Approved** on the 15th day of November, 2005.

/s/	ATTEST:	/s/
Mike Dages, Council President		Yolanda Salazar, Assistant City Clerk